



Republic of the Philippines

Supreme Court
Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES
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ESTATE OF MURRAY PHILIP
WILLIAMS, as represented by
DENIS MICHAEL STANLEY,
Petitioner,

- versus -

WILLIAM VICTOR PERCY,
Respondent.

G.R. No. 249681

Present:

CAGUIOA, J.,
Chairperson,
HERNANDO,*
GAERLAN,
DIMAAMPAO, *and*
SINGH, JJ.

Promulgated:
August 31, 2022

MisDcBatt

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DECISION

GAERLAN, J.:

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, as amended, assailing the Resolutions dated April 24, 2019² and September 26, 2019³ of the Court of Appeals (CA) in CA-G.R. SP No. 159020. The assailed issuances dismissed outright petitioner Denis Michael Stanley's (Stanley's) petition for *certiorari*, filed under Rule 65 of the Rules of Court, for failure to acquire jurisdiction over the person of respondent William Victor Percy (Percy).

* Designated additional Member per Raffle dated April 4, 2022.

¹ *Rollo*, pp. 12-32.

² *Id.* at 35-38; penned by Associate Justice Rodil V. Zalameda (now a Member of the Court) with Associate Justices Fernanda Lampas Peralta and Henri Jean Paul B. Inting (also now a Member of the Court) concurring.

³ *Id.* at 46-47; penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Apolinario D. Bruselas, Jr. and Ramon A. Cruz concurring.

**Antecedents**

Following the death of Murray Philip Williams (Williams), Letters of Administration⁴ were issued by Branch 72 of the Regional Trial Court (RTC) of Olongapo City in favor of Stanley on July 22, 2014 in Special Proceeding Case No. 65-0-12.⁵

On August 12, 2015, Stanley filed, on behalf of the Estate of Williams, a Complaint-Affidavit⁶ for carnapping and estafa against Percy before the Office of the Provincial Prosecutor of Olongapo City, Zambales. Stanley alleged that prior to his death, Williams entrusted two of his cars to Percy for safekeeping, specifically: a red 2007 Mercedes Benz ML500 with Plate No. ZGE-201⁷ and a white platinum metallic 2011 Ford Expedition 4x4 AT Eddie Bauer EL with Engine No. AEB52740 and Chassis No. 1FMJK1J5XAEB52740.⁸ When Stanley demanded⁹ the return of the said vehicles, Percy failed to do so.¹⁰ As a result, Stanley was constrained to file a criminal complaint against him.

In his Counter-Affidavit,¹¹ Percy denied that the two vehicles were entrusted to him by Williams. He asserted that the same were the subject of a transaction between Williams and one William James Wardle, the details of which he was not privy to.¹²

On June 30, 2016, the Office of the City Prosecutor, Olongapo City issued a Resolution¹³ finding probable cause to file a criminal case for two counts of carnapping against Percy. Thus, Percy was indicted by virtue of two Informations dated August 22, 2016, the accusatory portions of which state:

Criminal Case No. 2016-1504

That on or about the month of January 2011, in the City of Olongapo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with intent to gain and without the consent of the owner, complainant Estate of Murray Philip Williams, represented by its duly appointed administrator, Denis Michael Estanley [sic], did then and

⁴ *Rollo*, p. 82; issued by Presiding Judge Richard A. Paradeza.

⁵ Entitled "In the Matter for the Probate of the Will of Murray Philip Williams, Deceased."

⁶ *Rollo*, pp. 76-81.

⁷ *Id.* at 85.

⁸ *Id.* at 87-90.

⁹ *Id.* at 186-187.

¹⁰ *Id.* at 78.

¹¹ *Id.* at 108-111.

¹² *Id.* at 109.

¹³ *Id.* at 132-135; signed by Associate City Prosecutor Catherine C. Mesuelo and approved by City Prosecutor Emilie Fe M. Delos Santos.

there willfully, unlawfully and feloniously take, steal and carry away a Red 2007 Mercedez [sic] Benz ML500 with plate number ZGE201, engine number 112964300744324 and chassis number 4JGBB75E87A180151, which belonged to the deceased [Murray] Philip Williams.

CONTRARY TO LAW.¹⁴

Criminal Case No. 2016-1505

That on or about the month of January 2011, in the City of Olongapo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with intent to gain and without the consent of the owner, complainant Estate of Murray Philip Williams, represented by its duly appointed administrator, Denis Michael Estanley [sic], did then and there willfully, unlawfully and feloniously take, steal and carry away a White Platinum Metallic 2011 Ford Expedition EL engine number AEB52740 and chassis number 1FMJKIJ5XAE52740, which belonged to the deceased [Murray] Philip Williams.

CONTRARY TO LAW.¹⁵

The cases were consolidated and raffled to Branch 72 of the RTC of Olongapo City. During the trial, the prosecution was able to present its documentary and testimonial evidence. Afterwards, it made a Formal Offer of Documentary Evidence.¹⁶

Thereafter, Percy filed a Motion for Leave of Court to File Demurrer to Evidence,¹⁷ followed by the corresponding Demurrer to Evidence.¹⁸ He prayed for the dismissal of the case on the ground that the evidence adduced by the prosecution were all insufficient to prove the presence of the elements of the crime of carnapping.¹⁹

On October 16, 2018, the RTC issued an Order²⁰ granting the demurrer to evidence, reasoning that the prosecution failed to adduce the quantum of evidence required to convict Percy of two counts of carnapping. Thus:

IN VIEW THEREOF, the demurrer to evidence filed by accused William Victor Percy is hereby **GRANTED**. Consequently, these cases are hereby ordered **DISMISSED**.

¹⁴ Id. at 316.

¹⁵ Id.

¹⁶ Id. at 224-233.

¹⁷ Id. at 298-300.

¹⁸ Id. at 301-306.

¹⁹ Id. at 305.

²⁰ Id. at 315-329.

SO ORDERED.²¹

Dispensing with the filing of a motion for reconsideration,²² and admittedly without securing the conformity of the People through the Office of the Solicitor General (OSG),²³ Stanley filed with the CA a Petition for *Certiorari*²⁴ under Rule 65 of the Rules of Court. He asserted, as a sole ground, that the RTC committed grave abuse of discretion amounting to lack or excess of jurisdiction in granting Percy's demurrer to evidence "DESPITE THE FACT THAT THE PROSECUTION WAS ABLE TO ESTABLISH ALL THE ELEMENTS OF THE CRIME CHARGED AND DESPITE ALL AVAILABLE JURISPRUDENTIAL PRECEDENTS."²⁵

On April 14, 2019, the CA issued the first assailed Resolution²⁶ dismissing the petition for failure on the part of Stanley to serve the same to Percy's current and complete address. The pertinent portions of the said issuance reads:

On 05 March 2019, the Court required the petitioner to inform the current and complete address of private respondent within five (5) days from notice, otherwise, the Petition may be dismissed for failure to acquire jurisdiction over the person of the latter, pursuant to Section 4, Rule 46 of the Rules of Court.

Instead of complying with the Court's directive, petitioner filed a Manifestation with Omnibus Motion insisting that service of the Petition upon private respondent's counsel should be deemed sufficient, inasmuch as the pleadings filed by said private respondent before the court *a quo* all bear his counsel's address. In the alternative, petitioner seeks for a thirty (30)-day period within which to submit the required complete and current address of the private respondent.

We find petitioner's explanation unsatisfactory.

Section 3, Rule 46 of the Rules requires that the petition be filed together with proof of service thereof on the respondent. Corollary thereto, Section 4, Rule 46 of the same Rules states that jurisdiction over the person of the respondent shall be acquired by service on him of the Court's order or resolution indicating Our initial action on the petition or by voluntary submission to such jurisdiction.

It [is] evident that both proof of service of the Petition to the private respondent AND service on him of the Court's order or resolution on its initial action are required for the Petition to prosper. However, petitioner

²¹ Id. at 329.

²² Id. at 331.

²³ Id. at 333.

²⁴ Id. at 330-350.

²⁵ Id. at 338.

²⁶ Id. at 35-38.

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only furnished private respondent's counsel a copy of the Petition, without serving a copy on the respondent himself. **The service of the Petition upon the person of the respondent, and not upon his counsel, is what the Rules properly require, and not the other way around.**

x x x x

It may be true that petitioner alternatively prays for an extension of thirty (30) days within which to comply with the Court's directive. However, petitioner failed to offer any reason why the Court should grant the same. Even the oft-repeated phrase, "in the interest of justice," was not invoked. Hence, We find no reason why leniency on the application of the Rules should be accorded in absence of any justifiable or meritorious explanation.

WHEREFORE, premises considered, the Manifestation With Omnibus Motion is hereby **DENIED** and the instant Petition is **DISMISSED**.

Accordingly, the case [is] deemed **CLOSED** and **TERMINATED**.

SO ORDERED.²⁷

Stanley filed a Motion for Reconsideration²⁸ arguing that contrary to the CA's conclusion, the appellate court had in fact acquired jurisdiction over the person of Percy. Stanley points to Percy's Comment to Petition²⁹ dated March 18, 2019 which was filed before the CA. In the said comment, Percy prayed for the outright dismissal of the petition on the ground that only the People, through the OSG, may question an acquittal in a criminal case.

The CA denied Stanley's motion in the second assailed Resolution³⁰ dated September 26, 2019.

Hence, the present recourse.

Arguments

Stanley beseeches the Court to order the CA to give due course to his petition for *certiorari*. He contends that by interposing a comment to the said petition without expressing any objections, Percy voluntarily submitted

²⁷ Id. at 35-37.

²⁸ Id. at 52-57.

²⁹ Id. at 62-63.

³⁰ Id. at 46-47.

himself to the jurisdiction of the appellate court; and that the case should be decided on the merits and not on technicalities.³¹

On the other hand, Percy, in his Comment to Petition,³² contended that the instant petition be dismissed because it seeks to appeal an acquittal which only the OSG has the authority to do.

In his Reply,³³ Stanley asseverated that the Estate of Williams is not precluded from questioning the civil aspect of the case on its own. He contended that because the Estate of Williams never made any reservation on separately pursuing the civil aspect of the case, it maintains an interest on the dismissal of the criminal aspect thereof.³⁴

Issue

The Court is tasked to determine whether the CA erred in dismissing outright the petition filed by Stanley in his capacity as administrator of the Estate of Williams.

Ruling of the Court

I.

Jurisdiction is the power and authority of the court to hear, try and decide a case.³⁵ Being a matter of substantive law,³⁶ it pertains to the right of the court to act in a case.³⁷ In order for the court or an adjudicative body to have authority to dispose of the case on the merits, it must acquire jurisdiction over the subject matter and the parties.³⁸

Jurisdiction over the subject matter is the power to hear and determine the general class to which the proceedings in question belong.³⁹ Conferred by the Constitution⁴⁰ or given by law and in the manner prescribed by law,⁴¹

³¹ Id. at 22-23.

³² Id. at 649-652.

³³ Id. at 661-668.

³⁴ Id. at 666.

³⁵ *Platinum Tours and Travel, Inc. v. Panlilio*, 457 Phil. 961, 967 (2003).

³⁶ *City of Lapu-Lapu v. Philippine Economic Zone Authority*, 748 Phil. 473, 522 (2014).

³⁷ *Herrera v. Barretto*, 25 Phil. 245, 251 (1913).

³⁸ *Spouses Genato v. Viola*, 625 Phil. 514, 527-528 (2010).

³⁹ *Reyes v. Diaz*, 73 Phil. 484, 486 (1941).

⁴⁰ *Zamora v. Court of Appeals*, 262 Phil. 298, 304 (1990).

⁴¹ *U.S. v. Jayme*, 24 Phil. 90, 92 (1913).

jurisdiction over the subject matter is determined by the allegations in the complaint, including the character of the reliefs prayed for.⁴²

On the other hand, jurisdiction over the person or the parties, or jurisdiction *in personam*, refers to the power of the court to render a personal judgment or to subject the parties in a particular action to the judgment and other rulings rendered in the action.⁴³ It is the power of the court to make decisions that are binding on persons.⁴⁴ It is an element of due process that is essential in all actions, civil as well as criminal, except in actions *in rem* or *quasi in rem*.⁴⁵

The instant case involves the determination of whether the CA validly acquired jurisdiction over the person of Percy.

In original cases filed before the CA, such as the subject petition for *certiorari* under Rule 65 of the Rules of Court that Stanley filed *a quo*, the appellate court acquires jurisdiction over the person of a respondent by serving upon him or her an order or resolution indicating its initial action on the said petition. Rule 46, Section 4 so states:

SEC. 4. *Jurisdiction over the person of respondent, how acquired.* — The court shall acquire jurisdiction over the person of the respondent by the service on him of its order or resolution indicating its initial action on the petition or by his voluntary submission to such jurisdiction.

In order for the CA to be able to effect the said order or resolution upon the person of a respondent to a petition, it is incumbent upon a petitioner to inform the CA of said respondent's complete address. This is accomplished by furnishing the CA with a proof of service of the petition on the respondent concerned, as provided by Rule 4, Section 3.⁴⁶

⁴² *Gabrillo v. Heirs of Pastor*, G.R. No. 234255, October 2, 2019.

⁴³ *Macasaet v. Co., Jr.*, 710 Phil. 167, 177 (2013).

⁴⁴ *De Pedro v. Romasan Development Corporation*, 748 Phil. 706, 724 (2014).

⁴⁵ *Guy v. Gacott*, 778 Phil. 308, 318 (2016).

⁴⁶ The pertinent portion of Rule 46, Section 3 reads:

Section 3. *Contents and filing of petition; effect of noncompliance with requirements.* — The petition shall contain the full names and actual addresses of all the petitioners and respondents x x x.

x x x x

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner, and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. x x x

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Nevertheless, it bears stressing that jurisdiction over the person of a defendant or respondent, as the case may be, is also acquired through his or her voluntary appearance in court and submission to its authority.⁴⁷ There is voluntary appearance when a party, without directly assailing the court's lack of jurisdiction, seeks affirmative relief from the court.⁴⁸

In the instant case, Percy voluntarily submitted to the jurisdiction of the CA when he filed a Comment to Petition dated March 18, 2019 praying for the outright dismissal of Stanley's petition for *certiorari* on the sole ground that it was not filed with the authority or conformity of the OSG.⁴⁹ His voluntary appearance is equivalent to service.⁵⁰

Prescinding from the foregoing, one may readily conclude that the CA was too hasty in dismissing Stanley's petition for *certiorari* and, as a result, it is incumbent upon this Court to remand the case to the CA and direct the appellate court to give due course thereto. However, because this Court has the solemn duty to protect the Constitution and the constitutional rights of individuals,⁵¹ particularly Percy's, We cannot do so.

II.

Even if the Court were to remand the instant case to the CA, the eventual outcome will be the same. It will be dismissed because (1) it was filed without the conformity or authority of the OSG; and (2) it violates Percy's right against double jeopardy.

II. A.

In the appeal of criminal cases before the CA or the Supreme Court, the authority to represent the People is vested solely in the Solicitor General.⁵² That is, only the OSG may bring or defend actions in behalf of the Republic of the Philippines, or represent the People or State in criminal proceedings before the Supreme Court and the CA.⁵³ Stanley acknowledges this much in his Reply.⁵⁴

⁴⁷ *Prudential Bank v. Magdamit, Jr.*, 746 Phil. 649, 659 (2014).

⁴⁸ *G.V. Florida Transport, Inc. v. Tiara Commercial Corporation*, 820 Phil. 235, 252 (2017).

⁴⁹ *Rollo*, p. 63.

⁵⁰ *Navale v. Court of Appeals*, 324 Phil. 70, 78 (1996).

⁵¹ *People v. XYZ*, G.R. No. 244255, August 26, 2020.

⁵² *People v. Alapan*, 823 Phil. 272, 279 (2018).

⁵³ *BDO Unibank, Inc. v. Pua*, G.R. No. 230923, July 8, 2019.

⁵⁴ *Rollo*, pp. 661-668.

Nevertheless, in a bid to circumvent the foregoing rule, Stanley backpedaled and asserted that he was actually seeking to protect the rights of the Estate of Williams insofar as the civil aspect of the case is concerned.

We reject Stanley's lame excuse.

A reading of Stanley's Petition for *Certiorari*⁵⁵ with the CA readily shows that not a single sentence in the said pleading discusses the civil aspect of the criminal cases filed against Percy. The entirety of said petition uniformly contends that the trial court erred in its evaluation of the evidence adduced by the prosecution when it granted Percy's demurrer to evidence. Every single paragraph limited itself to the discussion of the elements of the crime of carnaping and why the trial court erred in acquitting Percy.

At the risk of being repetitious, it is worth noting, at this juncture, that the assignment of error in Stanley's petition for *certiorari* before the CA made one solitary contention, that: "THE PUBLIC RESPONDENT ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT GRANTED THE ACCUSED'S DEMURRER TO EVIDENCE DESPITE THE FACT THAT THE PROSECUTION WAS ABLE TO ESTABLISH ALL THE ELEMENTS OF THE CRIME CHARGED AND DESPITE ALL AVAILABLE JURISPRUDENTIAL PRECEDENTS."⁵⁶

It is crystal clear that Stanley was seeking to appeal an acquittal in a criminal case despite knowing all along that he had neither the right nor the authority to do so.

In any event, granting *arguendo* that Stanley was truthfully questioning the civil aspect of the subject criminal cases, the fact remains that he instituted his petition for *certiorari* before the CA without first filing a motion for reconsideration with the RTC.

The rule is that a motion for reconsideration is a condition *sine qua non* for the filing of a petition for *certiorari*.⁵⁷ Its purpose is to grant an opportunity for the court to correct any actual or perceived error attributed to it by the re-examination of the legal and factual circumstances of the case.⁵⁸

⁵⁵ Id. at 330-347.

⁵⁶ Id. at 338.

⁵⁷ *Estalilla v. Commission on Audit*, G.R. No. 217448, September 10, 2019.

⁵⁸ *Bucal v. Bucal*, 760 Phil. 913, 919-920 (2015).

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While this rule admits of exceptions,⁵⁹ none of which is obtaining in this case. Stanley cannot arrogate to himself the determination of whether a motion for reconsideration is necessary or not.⁶⁰

II. B.

Settled is the principle that an order granting a demurrer to evidence is a judgment on the merits⁶¹ and is tantamount to an acquittal.⁶² We adhere to the finality-of-acquittal doctrine which edifies the principle that a judgment of acquittal is final and unappealable.⁶³ Any attempt to overturn an acquittal runs afoul of an accused's right against double jeopardy as provided in Section 21,⁶⁴ Article III of the Constitution.

In *People v. Sandiganbayan*,⁶⁵ We explained:

The demurrer to evidence in criminal cases, such as the one at bar, is "*filed after the prosecution had rested its case,*" and when the same is granted, it calls "for an appreciation of the evidence adduced by the prosecution and its sufficiency to warrant conviction beyond reasonable doubt, resulting in a *dismissal of the case on the merits, tantamount to an acquittal of the accused.*" Such dismissal of a criminal case by the grant of demurrer to evidence may not be appealed, for to do so would be to place the accused in double jeopardy. The verdict being one of acquittal, the case ends there.⁶⁶ (Citations omitted)

Case law provides only one exception to the finality-of-acquittal doctrine, *i.e.*, when the trial court has acted with grave abuse of discretion amounting to lack or excess of jurisdiction such as where the prosecution was

⁵⁹ See *Siok Ping Tang v. Subic Bay Distribution, Inc.* (653 Phil. 124, 136-137 [2010]): The rule is, however, circumscribed by well-defined exceptions, such as (a) where the order is a patent nullity, as where the court *a quo* had no jurisdiction; (b) where the questions raised in the *certiorari* proceeding have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court; (c) where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government or of the petitioner or the subject matter of the action is perishable; (d) where, under the circumstances, a motion for reconsideration would be useless; (e) where petitioner was deprived of due process and there is extreme urgency for relief; (f) where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable; (g) where the proceedings in the lower court are a nullity for lack of due process; (h) where the proceedings were *ex parte*, or in which the petitioner had no opportunity to object; and (i) where the issue raised is one purely of law or where public interest is involved.

⁶⁰ *Cervantes v. Court of Appeals*, 512 Phil. 210, 217 (2005).

⁶¹ *Republic v. Spouses Gimenez*, 776 Phil. 233, 263 (2016).

⁶² *BBB v. Cantilla*, G.R. No. 225410, June 17, 2020.

⁶³ *People v. Alejandro*, 823 Phil. 684, 691 (2018).

⁶⁴ Section 21. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

⁶⁵ 488 Phil. 293 (2004).

⁶⁶ *Id.* at 309-310.


denied the opportunity to present its case or where the trial was a sham, thus, rendering the assailed judgment void.⁶⁷

Here, records show that the prosecution completed the presentation of all its documentary and testimonial evidence during the trial without a hitch. It was also able to make a formal offer of evidence. The trial was not a sham. The aforementioned exception, therefore, does not apply in this case. Directing the CA to give due course to Stanley's petition for *certiorari* would be tantamount to placing Percy twice in jeopardy for criminal offenses that he had already been acquitted from.

All told, We find that the CA erred in concluding that it was not able to acquire jurisdiction over the person of Percy. Nonetheless, because it is the mandate of the Court to put primacy on constitutional safeguards of human life and liberty,⁶⁸ this Court cannot remand the case to the CA for further proceedings because Stanley had no authority to file the said petition in the first place; and, more importantly, because doing so would violate Percy's right against double jeopardy.

WHEREFORE, the petition is **DENIED**.

SO ORDERED.

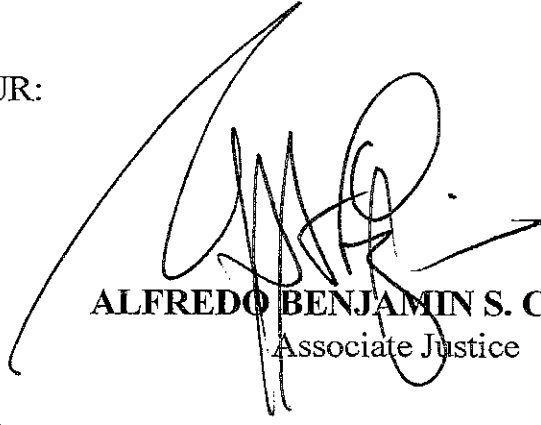

SAMUEL H. GAERLAN
Associate Justice

⁶⁷ *People v. Atienza*, 688 Phil. 122, 135 (2012).

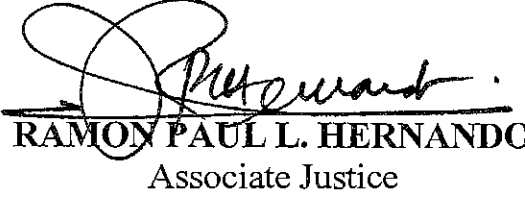
⁶⁸ *People v. Pagal*, G.R. No. 241257, September 29, 2020.

WE CONCUR:

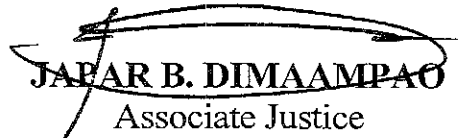
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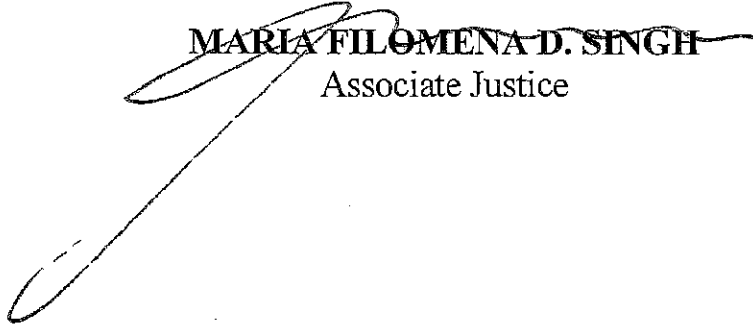
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



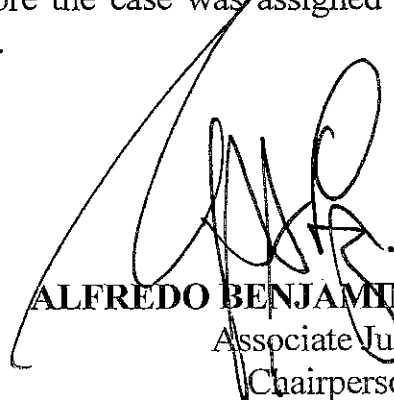
JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.




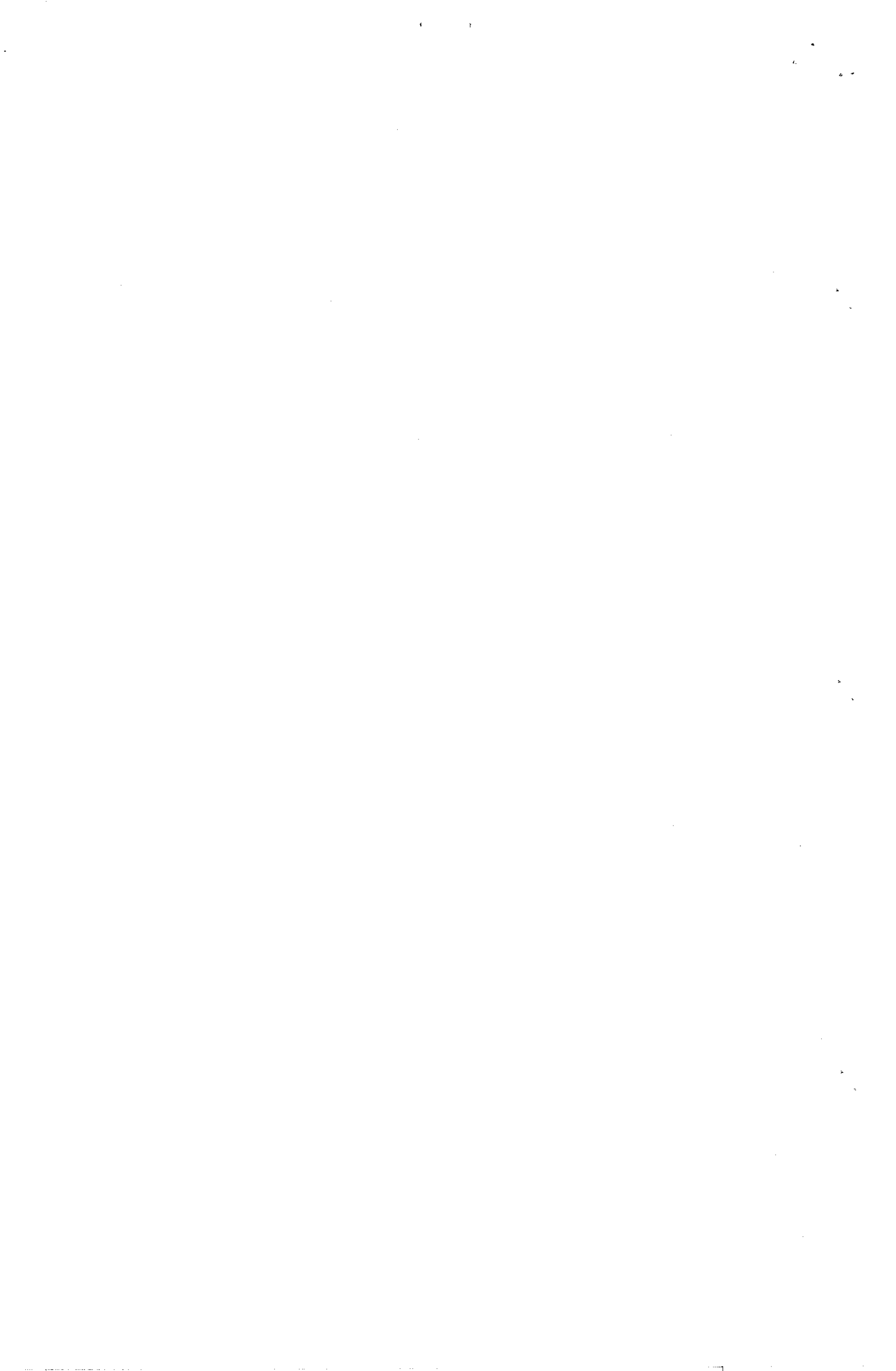
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice



Evidence, followed by the corresponding Demurrer to Evidence.⁷

In an Order⁸ dated October 16, 2018, the RTC granted Percy's Demurrer to Evidence. The RTC ruled that the prosecution failed to satisfy the required quantum of evidence to convict Percy of two counts of carnapping.⁹

Without securing the conformity of the People through the Office of the Solicitor General (OSG), Stanley filed a Petition for *Certiorari* under Rule 65 (Petition) before the Court of Appeals (CA). He asserted, as a sole ground, that the RTC committed grave abuse of discretion amounting to lack or excess of jurisdiction in granting Percy's demurrer to evidence "DESPITE THE FACT THAT THE PROSECUTION WAS ABLE TO ESTABLISH ALL THE ELEMENTS OF THE CRIME CHARGED AND DESPITE ALL AVAILABLE JURISPRUDENTIAL PRECEDENTS."¹⁰

In the first assailed Resolution¹¹ dated April 14, 2019, the CA dismissed the Petition due to Stanley's failure to serve a copy of the Petition to Percy at his current and complete address. Stanley filed a motion for reconsideration arguing that the CA had in fact acquired jurisdiction over the person of Percy because the latter filed a Comment to Petition dated March 18, 2019 (Comment). In the said Comment, Percy sought the outright dismissal of the Petition on the ground that only the People, through the OSG, may question an acquittal in a criminal case. Through the second assailed Resolution¹² dated September 26, 2019, the CA denied Stanley's motion for reconsideration.¹³ Hence, the present petition.

The *ponencia* finds that the CA validly acquired jurisdiction over the person of Percy as Percy had voluntarily submitted to the jurisdiction of the CA when he filed the Comment.¹⁴ Nonetheless, the *ponencia* dismisses the case because the Petition was filed before the CA without the conformity of the OSG¹⁵ and, more importantly, because an order granting a demurrer to evidence is a judgment on the merits and is tantamount to an acquittal. Any attempt to overturn an acquittal contravenes an accused's right against double jeopardy.¹⁶

⁷ Id.

⁸ *Rollo*, pp. 315-329.

⁹ *Ponencia*, p. 3.

¹⁰ Id. at 4.

¹¹ *Rollo*, pp. 35-38.

¹² Id. at 46-47.

¹³ *Ponencia*, pp. 4-5.

¹⁴ Id. at 8.

¹⁵ Id.

¹⁶ Id. at 10.



***The ponencia was correct that the
Petition will violate Percy's right
against double jeopardy***

I fully concur with the *ponencia* in denying the present petition and in recognizing the right of Percy against double jeopardy.

The right against double jeopardy is enshrined under Section 21, Article III of the 1987 Constitution which provides that “[n]o person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.”

Jurisprudence provides that for the right against double jeopardy to attach, the following requisites must be present: (1) a first jeopardy must have attached prior to the second; (2) the first jeopardy must have been validly terminated; and (3) the second jeopardy must be for the same offense as that in the first.¹⁷

With regard to the first element, for a first jeopardy to attach, there must be:

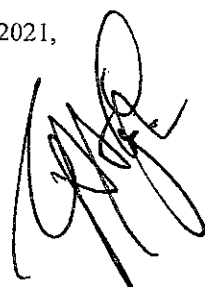
- (1) a valid indictment,
- (2) a court of competent jurisdiction,
- (3) the arraignment of the accused,
- (4) a valid plea entered by the accused, and
- (5) the acquittal or conviction of the accused, or the dismissal or termination of the case without the accused's express consent.¹⁸

As regards the fifth requisite, it is important to stress that it contemplates three separate circumstances, namely (a) acquittal of the accused, (b) conviction of the accused by final judgment, and (c) dismissal or termination of the case without the accused's consent. Moreover, when the first jeopardy is terminated due to the acquittal of the accused, “our rules on criminal proceedings require that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation. This is referred to as the ‘finality-of-acquittal’ rule.”¹⁹

¹⁷ *People v. Judge Declaro*, 252 Phil. 139, 143 (1989).

¹⁸ *Marwin B. Raya and Shiela C. Borromeo v. People of the Philippines*, G.R. No. 237798, May 5, 2021, p. 15.

¹⁹ *Chiok v. People, et al.*, 774 Phil. 230, 248 (2015).



As with most rules, however, the finality-of-acquittal doctrine is not without exception. As I have explained in my *ponencia* in *Marwin B. Raya and Shiela C. Borromeo v. People of the Philippines*,²⁰ “[t]he finality-of-acquittal doctrine does not apply when the prosecution — the sovereign people, as represented by the State — was denied a fair opportunity to be heard. Simply put, the doctrine does not apply when the prosecution was denied its day in court — or simply, denied due process.”²¹

The reason for this is because when the prosecution is deprived of due process, it could be said that the judgment of acquittal was void, which thereby means that the first jeopardy had not been validly terminated. As the second element for the right to attach is not yet present, then there could be no violation of the right against double jeopardy when an appellate court “reverses” a judgment of acquittal which resulted from a denial of the prosecution’s right to due process. This explains why it is said that only through this narrow and limited exception would the remedy of *certiorari* be allowed without offending the constitutional right against double jeopardy.

The foregoing discussions mean that not every error in the trial or evaluation of the evidence by the court in question that led to the acquittal of the accused would be reviewable by *certiorari*. Borrowing the words of the Court in *People v. Ang Cho Kio*,²² “[n]o error, however flagrant, committed by the court against the state, can be reserved by it for decision by the [S]upreme [C]ourt when the defendant has once been placed in jeopardy and discharged, even though the discharge was the result of the error committed.”²³

Applying the foregoing to the present case, the right of Percy against double jeopardy had already attached. To illustrate, Percy was indicted on the basis of two (2) criminal Informations for carnapping filed before the RTC which had jurisdiction over the case. Percy was arraigned and pleaded not guilty to the charge. During trial, the prosecution was able to present all its documentary and testimonial evidence and formally offer the same to the RTC. The prosecution, therefore, was afforded its day in court. Thereafter, Percy filed a demurrer to evidence which the RTC granted. As aptly stated by the *ponencia*, the grant of the demurrer “is a judgment on the merits and is tantamount to an acquittal.”²⁴ Thus, there was a valid termination of the first jeopardy, and the Petition before the CA was a constitutionally offensive second jeopardy as it pertains to the same offense as the first jeopardy. As illustrated above, all the requisites for the right to attach are present in this case.

²⁰ *Supra* note 18.

²¹ *Id.* at 16.

²² 95 Phil. 475 (1954).

²³ *Id.* at 480.

²⁴ *Ponencia*, p. 10.

To end, I express my full agreement with the *ponencia*'s finding that the Petition attempts to circumvent the finality-of-acquittal rule in a belated guise of questioning only the civil aspect of the criminal case, *i.e.*, "seeking to protect the rights of the Estate of Williams insofar as the civil aspect of the case is concerned."²⁵ The assignment of error in the Petition made one solitary contention: that the RTC acted with grave abuse of discretion in granting Percy's demurrer to evidence "despite the fact that the prosecution was able to establish all the elements of the crime charged and despite all available jurisprudential precedents."²⁶ The entirety of the Petition likewise only contends that the trial court erred in its evaluation of the prosecution's evidence when it granted the demurrer to evidence.²⁷ Clearly, the Petition sought to appeal the acquittal in the criminal case, in contravention of Percy's constitutional right against double jeopardy.

Based on these premises, I vote to **DENY** the present petition.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

²⁵ Id. at 9.

²⁶ Id.

²⁷ Id.

